

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GRANT HEILMAN PHOTOGRAPHY, INC. : CIVIL ACTION  
:   
Plaintiff, :  
v. :  
:   
THE MCGRAW-HILL COMPANIES, INC., and : NO. 12-2061  
JOHN DOES PRINTERS 1-10, :  
:   
Defendants :  
:

**ORDER RE POST-TRIAL MOTIONS**

**AND NOW**, this 30th day of June, 2015, for the reasons set forth in the foregoing Memorandum, it is **ORDERED** as follows:

1. Plaintiff's motion for judgment in the matter of law on profits (ECF 198) is **DENIED**.
2. Defendant's motion for constitutional reduction of damages (ECF 194) is **GRANTED** in part.
3. Plaintiff's motion for permanent injunction and impoundment (ECF 199) is **DENIED** without prejudice.
4. Defendants shall serve on plaintiff a proposed actual damages computation consistent with the foregoing Memorandum within fourteen (14) days. If a meet and confer effort does not result in agreement, each party shall file its proposed actual damages computation consistent with the foregoing Memorandum within thirty (30) days.
5. The parties shall meet and confer promptly on the procedural and/or substantive steps that the Court should take to proceed toward a final judgment as to the amount of the

monetary award in this case. The Court understands from prior statements of counsel that the parties are discussing some procedure and/or formula that may be used to determine the monetary amount of a final judgment, which may allow an appeal to the U.S. Court of Appeals for the Third Circuit as to the issues decided to date by this Court, together with any further issues as to the amount of damages, interest, attorneys' fees, and costs that this Court may set.

6. Plaintiff and defendants shall file a report, either jointly or separately, no later than August 6, 2015, setting forth the procedures and/or formula that should be followed to arrive at a judgment on the monetary award to plaintiff. If separate reports are filed, they may be accompanied by a brief, no longer than ten (10) pages, double-spaced.

7. The Court will most likely have oral argument and/or a recorded telephone conference to discuss this issue.

8. Following determination of the monetary award to plaintiff, the Court will consider all other pending motions.

9. Because a resolution of further proceedings may take some time, and a number of other motions are still outstanding, relating to interest (ECF 201), attorneys' fees and costs (ECF 200), and further discovery (ECF 202), the Court will place this case in **SUSPENSE** as follows:

- a. All proceedings are stayed until further Order of the Court;
- b. The case shall be transferred to the Civil Suspense File;
- c. The Clerk of the Court shall mark this case closed for statistical purposes;
- d. The Court shall retain jurisdiction over the case and the case shall be returned to the Court's active docket in 365 days or upon further order of the Court; and
- e. The entry of this Order shall not prejudice the rights of the parties to this litigation.

**BY THE COURT:**

**/s/ Michael M. Baylson**

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**Michael M. Baylson, U.S.D.J.**

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